

Notice of Allowability	Application No.	Applicant(s)	
	10/548,450	WYERS, PHILIP W.	
	Examiner	Art Unit	
	CHRISTOPHER BOSWELL	3673	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed January 5, 2009.
2. ☒ The allowed claim(s) is/are 2,3,7-16,23-33,36,37,40,42-44 and 50-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The claims are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that of a locking device, comprising a first body member having a first interior, a second body member having a second interior, a retainer element including a first end portion received in the first interior and a second end portion received in the second interior, the retainer element operative to mechanically link the first and second body members together for longitudinal movement between a collapsed orientation and an expanded orientation, the retainer element movable between a retain position wherein the retainer element secures the first and second body members in the collapsed orientation and a release position wherein the first and second body members may move between the collapsed orientation and the expanded orientation, a lock core disposed in the first interior and operative to engage the retainer element, the lock core having a locked state wherein the retainer element is held in the retain position and movable to an unlocked state wherein the retainer element is moved from the retain position to the release position, and a catch in the second interior, the retainer element including a latch portion operative to engage the catch when the retainer element is in the retain position and to release from the catch when in the release position.

Specifically, that of the retainer element includes a retaining head operative to engage the catch when the first and second body members are in the expanded orientation thereby to define

a limit stop that prohibits movement of the first and second body members away from one another beyond the expanded orientation, and the catch being defined by a transverse pin, the latch portion including a latch groove formed in the retainer element sized and adapted to engage the pin, a protective sleeve extending between the first and second body members, at least one of the first and second body members being longitudinally movably within the sleeve, and the first housing portion having a cylindrical nose and the second housing portion having a latch cavity to receive the latch portion and a nose cavity sized to receive the cylindrical nose.

The closest art of record, U.S. Patent Number 6,408,661 to Chen, discloses a locking device, comprising a first body member (20) having a first interior (200), a second body member (30) having a second interior (33), a retainer element (44) including a first end portion (442) received in the first interior and a second end portion (440) received in the second interior, the retainer element operative to mechanically link the first and second body members together for longitudinal movement between a collapsed orientation (figure 4) and an expanded orientation (figure 7), the retainer element movable between a retain position (figure 5) wherein the retainer element secures the first and second body members in the collapsed orientation and a release position (figure 6) wherein the first and second body members may move between the collapsed orientation and the expanded orientation, and a lock core (40) disposed in the first interior and operative to engage the retainer element, the lock core having a locked state (figure 5) wherein the retainer element is held in the retain position and movable to an unlocked state (figure 6) wherein the retainer element is moved from the retain position to the release position, and a catch (34) in the second interior, the retainer element including a latch portion (46) operative to engage

Art Unit: 3673

the catch when the retainer element is in the retain position and to release from the catch when in the release position and the first housing portion having a rectilinear nose and the second housing portion having an associated rectilinear nose cavity. However, Chen does not disclose the aforementioned limitations of the retaining element, the catch, the protective sleeve, and the cylindrical nose and cylindrical nose cavity.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BOSWELL whose telephone number is (571)272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673

Christopher Boswell
Examiner
Art Unit 3673

CJB /cb/
June 5, 2009